



The WB National University of Juridical Sciences

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STUDENT JURIDICAL ASSOCIATION

20th December, 2018

The Hon’ble Chancellor (Chief Justice of India)

The WB National University of Juridical Sciences, Kolkata

Sub: Representation of the Student Juridical Association (SJA) – The Free Fall of NUJS

Respected Sir,

We write to you as your beloved students from the National University of Juridical Sciences (NUJS).

NUJS was established by the West Bengal National University of Juridical Sciences (**WBNUJS**) Act, 1999 under the founding vision of Prof (Dr) N.R. Madhava Menon. As the statute’s Preamble states, the institution was envisioned as a “national level institution of excellence in higher learning of law.” In a span of eighteen years, NUJS has carved an outstanding academic reputation for itself as one of the most sought after law schools in India, measured by the preferences of applicants writing the Common Law Admission Test (**CLAT**) in which NUJS currently is the institution of third preference (after NLSIU Bangalore and NALSAR, Hyderabad) amongst 20 national law schools whose admission is administered through the CLAT since 2008. This identity of NUJS – as an autonomous, national level institution of legal excellence stands in doubt due to certain recent events over the last one year.

On February 2, 2014, we had written to our Hon’ble Chancellor, the then CJI, Justice P. Sathasivam requesting the formation of a University Review Commission (**URC**) statutorily mandated under Section 14 of the WBNUJS Act, 1999.

The URC which is supposed to be constituted every five years to audit and evaluate the performance of the University was long overdue since the inception of the University. The University administration under our former Vice-Chancellor (**VC**) Prof (Dr) Ishwara Bhat posed [many administrative hurdles](#) against its formation despite repeated requests from the student body. Subsequently, we had a happen-chance meeting with our Hon’ble Chancellor, the then

CJI, Justice TS Thakur during our convocation on November 13, 2016. Hon'ble Justice Thakur had then constituted the URC on December 24, 2016. However, it was only in September 2017 that the first ever URC visited NUJS after several procedural hurdles. On October 30, 2017, the report was submitted to the Hon'ble Chancellor, the then CJI, Justice Dipak Misra.

Post the release of the suppressed Report of the URC, the student body (**SJA**) had submitted a representation to the Executive Council on March 27, 2018 wherein we presented all our representations over the past four years (NUJS SJA Report No. 1 of 2016) regarding our long-standing grievances such as:

- *falling research and academic standards;*
- *the worst student-faculty ratio in top 5 National Law Schools (1:22) despite highest fee and most students;*
- *complete inaction on multi-crore embezzlement despite recommendations by the Calcutta High Court instituted [Justice \(Retd.\) PN Sinha's report](#) to initiate a full CID inquiry to investigate the matter thoroughly and hold accountable officers who continue to serve in the University to this day*
- *abysmal research output and mere paper existence of research centres and deliberate and complete exclusion of students from their working;*
- *lack of transparency regarding meetings of University bodies such as General Council, Executive Council, Academic Council & Finance Committee, after a solemn promise to do so and also in violation of UGC Student Entitlements and Section 4 of the Right to Information Act*
- *non-responsiveness to RTIs for many years together and persistently avoiding and frustrating RTI applications*

These along with many [other long-standing grievances](#) were also reaffirmed by the URC Report. As a result of the scathing report, the former Vice-Chancellor Prof (Dr) Bhat, who had previously faced two [no-confidence motions](#) from the students and alumni, submitted his resignation to the Chancellor on March 28, 2018 which was accepted by the Executive Council on April 7, 2018.

Furthermore, acting on the damning evidence produced by us, the 60th and the 61st Executive Council Meetings of the University effected an administrative overhaul that brought in a new interim team of Justice (Retd) Amit Talukdar as Acting Vice-Chancellor; Mrs Madhumati Mitra (now a Judge of Calcutta HC) as Acting Registrar; and faculty member, Dr Anupama Ghosal as Acting Assistant Registrar (Administration).

However, it has been more than eight months and the conditions in the University have only progressed to deteriorate and most of our earlier cited grievances continue to persist. The

recommendations of the URC are neither being discussed nor is any timeline being framed for its implementation. The recent months have only been marked with investigations, litigations, fee hikes, mothballing of research centres, resignation of faculty members and a complete destruction of the values of our University. The interim administration for the past eight months comprising of Acting Vice-Chancellor Justice (Retd) Amit Talukdar and Acting Registrar Ms. Sikha Sen have presided over an inexplicable and unconvincing delay and non-action on many crucial matters such as the running of distance and online learning courses without due approvals from UGC; violations of the Foreign Contribution Regulation Act (FCRA), 2010; irregularities in faculty recruitments, over-payment of salaries to administrative staff running into crores; consequent increase in student fees to the extent of almost rupees three lacs per annum among multiple other issues that have been flagged by the student body in numerous petition to the University's governing bodies.

Furthermore, recently through an amendment bill passed by the legislative assembly on November 20, 2018 the state government aims to introduce at least 30% domicile reservation; gives itself the power to regulate student fees and allows the University to opt out of the CLAT. The actions of the interim administration and the state government have also ensured that reputed academics did not apply for the position of our permanent Vice-Chancellor.

It is in this context that our representation seeks to bring to your attention the following issues:

- I. (In)Actions of the Interim Administration
- II. Selection of our Vice-Chancellor
- III. Amendment to the WBNUJS Act, 1999

I. (In)Actions of the Interim Administration

Post the resignation of our former VC, Prof (Dr) P. Ishwara Bhat, the University's Executive Council (**EC**) appointed Justice (Retd) Amit Talukdar from the Hon'ble Calcutta High Court in its 60th Meeting on 7th April, 2018 on the recommendation of EC member Justice (Retd) Asim Ray. Later in its 61st Meeting of 12th May, 2018 the EC set up four different inquiry committees to look into the pandora box of irregularities that had come to light post the resignation of Prof. Bhat namely:

1. Inquiry Committee to enquire the allegations against former VC Prof. (Dr.) Ishwara Bhat comprising of Acting VC Justice (Retd) Amit Talukdar, the Advocate General, WB, Mr. Kishore Dutta, Justice (Retd) Asim Ray and the Judicial Secretary of West Bengal.

2. Fact-Finding Committee in respect of irregularities pointed out by the student petition comprising of Justice (Retd) Amit Talukdar and Advocate General Mr. Kishore Dutta.
3. Inquiry-cum-Steering Committee comprising of the Acting Registrar, Director of IIM-Calcutta and University Treasurer Mr. Jishnu Saha to look into allegations against the Research Centres and projects brought forward by Justice (Retd) Amit Talukdar.

It also ousted the then Acting Registrar Dr. Sarfaraz Ahmed Khan appointed by Prof. Bhat on the grounds of various irregularities and in place appointed the soon-to-retire Registrar-General of the Calcutta High Court, Ms. Madhumati Mitra as the Acting Registrar. However, when later Ms. Madhumita Mitra resigned 'effective immediate from the forenoon' of Thursday (August 16, 2018), the name of Ms. Sikha Sen, a retired member of the West Bengal Judicial Service (WBJS), was recommended by the Hon'ble Chief Justice of the Calcutta High Court for the post of the Acting Registrar on 20th August, 2018, who joined the University on the same day.

The appointment itself was questionable since according to our governing statute, WBNUJS Act 1999, it is the EC that appoints the Registrar and no circulation to that effect was sent to **all** the members of the EC. In spite of that, these developments led us to strongly believe that Justice Talukdar and Ms. Madhumati Mitra (later Ms. Sikha Sen), not being career academics or bureaucrats, are best placed to ensure that the three inquiries set up in the 61st EC Meeting are conducted fairly, transparently and swiftly and that disciplinary actions will be executed without fear or favour. **Dishearteningly and disturbingly, Justice Talukdar's administration has only pushed the University into a deeper abyss. After eight months the following is the current status of these inquiries:**

The first Inquiry Committee to look into the allegations against Prof. Bhat has met **only once** on December 8, 2018. It has inexplicably refused to look into two of the most pertinent irregularities under his regime, namely, the [Justice P.N. Sinha's inquiry](#) report submitted to the Calcutta High Court on the [multi-crore University Grants Commission \(UGC\) grants' embezzlement](#) by the former Registrar under Prof. Bhat – Dr. S.C. Mukhopadhyay; and secondly, the irregularities in faculty recruitment and promotions between 2012 and 2017. The first was not undertaken on the pretext that the Advocate General who is on the Inquiry Committee was the former advocate for the accused Dr. Mukhopadhyay. The second was not looked into on the pretext that the Advocate General – a member of the Inquiry Committee had ratified those faculty recruitments as members of the Executive Council and hence, he cannot re-examine their validity. We find these reasons unconvincing. By this reasoning, the Advocate-General should have recused himself from these inquiries. He had ample opportunities all along

but still has not done so and rather, he came up with these specious reasons only when we repeatedly highlighted these allegations.

Similarly, for almost a decade NUJS has been running distance and online education courses without due approvals from Distance Education Bureau (DEB), UGC or the erstwhile DEC, IGNOU. Most of the courses were run in collaboration with private partners who had 60%-70% share in the revenues. The investigation into this matter was carried in a piecemeal fashion both by the second and the third Inquiry Committees. **On September 29, 2018, the 62nd Executive Council Meeting constituted a separate Inquiry Committee comprising of Justice (Retd) Ashim Ray, the Advocate General and Vice-Chancellor of NLSIU (Bangalore) Prof (Dr) R. Venkata Rao look into this matter.** However, the lackadaisical pace and attitude has ensured that while the University currently battles multiple cases in Delhi and Calcutta High Courts neither has any show-cause been served to the accused individuals nor any fixation of responsibility has been made. Unsurprisingly, no office order has been issued to set up the new Inquiry Committee constituted by the 62nd EC Meeting. This is especially problematic given the illegality of these courses would lead to refund of fees from the University to the concerned students enrolled in these courses, resulting in huge financial burden to the University unless the private partners and individuals who reaped 70% of the revenue from these courses are also made liable for refund.

Thirdly, the research centres and projects in the University have virtually shut down on the pretext of these investigations. Since May 2018 this Committee met only twice. Despite the allegations being brought forward by Justice Talukdar himself in the EC meeting, the Inquiry Committee has not been able to submit any report of irregularities in these centres. The Committee is not even aware that it is supposed to scrutinise research projects funded by the Department of Justice, Government of India and the West Bengal Judicial Academy (WBJA) as also look into research centres that exist only on paper or have been running without due authorisation from the EC, such as the Centre for Financial and Regulatory Governance Studies (**CFRGS**). On the contrary, the UNICEF which funds one of the vibrant research centres in the University - Centre for Child Rights - is unlikely to clear any future grants to the University due to the delay in submission of the utilization certificate caused by the indecisiveness of interim administration. Curiously, Justice Talukdar who had originally brought forth these allegations also presided over the proceeding of the Inquiry Committee conducted on September 22, 2018.

Even the prestigious Ford Foundation Chair on Human Rights & Citizenship Studies (**FF Chair**) has also stopped functioning as Justice Talukdar has refused to make any salary payments

to the Chair Professor and research staff. The Chair has been held by many notable personalities in the past few years including former Hon'ble Chief Justice of India Altamas Kabir, Justice (Retd) Ruma Pal and Prof (Dr) Upendra Baxi and is currently held by Justice (Retd) Tarun Chatterjee. Such denigrating treatment of the FF Chair not only harms our institutional reputation but also hurts the sentiments of the students and alumni who have been fortunate to be taught by such eminent personalities.

Similarly, another Inquiry Committee constituted in the 32nd Academic Council Meeting on May 10, 2018 for fixing responsibility for irregularity in degree conferment of an alumna Ms. Shreyoshi Ray has also not had a single sitting. Due to the resignation of Prof (Dr) Poonam Pradhan Saxena, one of the members of the Committee, the 33rd Meeting of the Academic Council which finally took place on November 30, 2018, reconstituted the Committee. However, the office order regarding the reconstitution has not till date been issued by the Acting Registrar, Mrs Sikha Sen.

In addition to the inquiry committees, the Acting Vice-Chancellor Justice Talukdar and Acting Registrar Ms. Sikha Sen have exhibited chronic and inexplicable apathy over other [grave issues](#) highlighted by the student petitions submitted to the 60th, 61st and 62nd EC Meetings. For instance, NUJS has been in persistent violation of the FCRA, 2010. However, no action has been taken to rectify the situation despite the SJA having brought it to the notice of the administration on multiple occasions [since May 10, 2018](#).

Under Justice Talukdar, the University has slipped into a state of multiple organ failure wherein research centres and chair professor positions are being mothballed in the name of investigations; faculty members are either resigning or applying to better opportunities in other NLUs and private institutions; and student fees are being constantly and arbitrarily hiked to fight impending litigations and compensating for the past financial and administrative mess. **Coincidentally, the two most important functions of the University – academic and research are in a continual state of free fall.**

Further, only two meetings of the Executive Council have happened in eight months despite an express resolution of the 57th Executive Council Meeting November 11, 2017 stating that the University shall convene a Meeting on the first Saturday of every alternate month. Similarly, the 60th Executive Council Meeting on April 7, 2018 had resolved that a Meeting exclusively devoted to a thorough discussion of the Review Commission Report should be convened by the University within 15-20 days. The then Registrar (Acting), Dr.

Sarfaraz Ahmed Khan was tasked with this responsibility, which was neither discharged by him nor taken up by the two successors.

The decisions of the EC and Finance Committee to advertise for the positions of regular Registrar, Accounts Officer and Finance Officer have also repeatedly not been acted upon. It was only due to the actions of Justice Arun Mishra (nominee of the Chancellor) in the EC meeting on 29 September 2018 that the advertisements for the post of a permanent Registrar, Accounts Officer and Finance Officer were released by the University.

Despite our representation showing how the EC has been resolving repeatedly in vain since July 26, 2003 to approach the West Bengal government for a Finance Officer to be sent on deputation, the 62nd EC meeting again on 29 September 2018 resolved to approach the West Bengal for a Finance Officer to be sent on deputation. Till date no Finance Officer has been taken charge in the University.

Similarly, though the advertisement for the post of a permanent Acting Registrar was released, the appointment was made subject to the outcome of the case against the former Registrar Dr. S.C. Mukhopadhyay pending before a division-bench of the Calcutta High Court. Curiously there is no stay order or any specific or general direction to take prior approval from the High Court. Such a contingent nature of the appointment might have a negative impact on the pool of candidates, wherein experienced candidates holding administrative positions in other institutions are unlikely to apply for a position which is contingent upon a pending case.

II. Selection of a Permanent Vice-Chancellor

The appointment of our permanent Vice-Chancellor has also been a process delayed and shrouded in the non-transparency of the administration.

The Search Committee for the Vice-Chancellor was constituted in the 60th EC meeting on 7 April 2018. The Committee initially comprised of Justice Arun Mishra (the Chancellor's nominee), the Advocate General (the General Council's nominee), the Chief Justice of the Calcutta High Court (the Executive Council's nominee) and a nominee of the state government. **This was in violation of the regulations laid down under the WBNUJS Act, 1999 which had no such provision for nominee of the state government. However, the Meeting of the Search Committee was delayed by the interim administration for four months on the pretext that the state government has not sent its nominee.** The nominee was finally sent by the government around 30th August 2018.

The first Meeting of the Search Committee was scheduled on 29 September 2018 along with the 62nd EC meeting. **Based on our [representation to the Executive Council](#), where we pointed out how the University had erroneously advised a four-member Search Committee despite regulations to the contrary being placed before the Executive Council, the Council noted that it was “in oblivion” of the regulations and consequently removed the state government nominee Mr. Suparno Moitra, with immediate effect and reconstituted the Committee back to a three-member panel.**

We had also prepared a separate representation to the Search Committee underlining our expectations from the Vice-Chancellor's appointment process. However, the Search Committee meeting took place *within* the EC Meeting (due to overlap of members) and no separate physical representation was granted to us during that time.

In our [representation to the Search Committee](#), we had made the following prayers:

1. Suggestions placed before the Search Committee is incorporated to the greatest extent feasible in evolving the procedure for selection of the new Vice Chancellor of NUJS. More particularly, the following criteria must be mandated in the application procedure in addition to the existing criteria given under relevant regulations:

- a) Past administrative and/or teaching experience in NLU(s) or other reputed Central Universities of equal or better standards;*
- b) A statement on the plan of action for implementation of URC recommendations;*
- c) A 'Vision Document' outlining the candidate's personal credentials and his/her vision for NUJS;*
- d) Blind-coding and circulation of the Vision Documents of the short-listed candidates among students and faculty for inviting comments and placing the same before the Executive Council;*
- e) Undertaking from the candidate stating that he/she has not indulged in plagiarism or any other academic misdemeanor in his/her academic career;*
- f) Disclosure of names, credentials and affiliation of all prospective candidates at all stages of the selection procedure; and*
- g) Video-recording of personal interviews conducted for all candidates.*

3. The procedure for selection of the Vice Chancellor be based on principles of transparency and the process is adequately disclosed for the benefit of all stakeholders.

4. A timeframe for the completion of the process of appointment of Vice Chancellor is devolved and keeping in mind the urgency of the situation, the process be completed by the end of this year.

We had noted in our representation how Vice Chancellor appointments elsewhere have been marked with opacity, which have routinely become subject to legal challenges and cause of

severe embarrassment to appointing authorities, as in the cases of [Madurai Kamraj University](#) and [Viswa Bharati University](#). In other cases such as Berhampur University, audit by the Accountant General's office has revealed [glaring inconsistencies in the selection of Vice Chancellor](#). In few other cases, Vice Chancellors have been caught for plagiarism and subsequently disqualified as it happened in Pondicherry University. In fact, the **protests had broken out in National Law Institute University (NLIU) Bhopal after the Search Committee appointed Prof. B.P. Singh of Allahabad University as its Director when he had an API (Academic Performance Index) score of 10 whilst other candidates had scores ranging from 1000-2700.** We had also highlighted how the fact that more than half of the NLUs of India have erupted in resistance against problematic and inefficient administrative heads of their institutions in the past few years points towards a symptomatic ailment affecting Vice-Chancellor appointments in India's preeminent legal institutions today.

Lastly, we had also highlighted that how the story of Prof. Bhat in NUJS goes on to show how even a Search Committee comprising of two Supreme Court judges and a reputed academic can be hoodwinked into appointing a Vice Chancellor of questionable integrity and efficiency, merely on the basis of on-paper credentials. The fact that Prof. Bhat has now been appointed as the Vice Chancellor of Karnataka State Law University, despite having serious charges of maladministration and irregularities against himself at NUJS and being disallowed from taking office of the Vice Chancellor at CNLU (Patna) [after initial appointment](#), is indicative of the poor filtration process which marks the Vice Chancellor selection across the country today. We had noted therein that one other candidate recommended by the earlier Search Committee along with Prof. Bhat was Prof. KI Vibhute. The fact that Prof. Vibhute had been found guilty of misconduct involving moral turpitude at Pune University and [subsequently ordered to compulsorily resign](#) from services seems to have evaded the Search Committee while making its recommendations, is also indicative of the poor filtration process adopted by Vice Chancellor selection panels in the past.

However, none of our prayers have been taken up by the University with the Search Committee. Moreover, **given the state of apathetical affairs that have been created in the University by the interim administration of Justice Talukdar coupled with the recent and unwarranted interference of the state government into the University's affairs, it is unlikely that reputed academics with credible administrative experience and achievements would have chosen to apply for the Vice-Chancellorship of the University.**

II. Amendment to the WBNUJS ACT

The Amendment Bill [No. 25 of 2018] was passed by the West Bengal Legislative Assembly on November 20, 2018. It seeks to bring about the following changes:

1. **State Government Control over Student Fees:** Section 4A (1) seeks to grant the state government complete powers to decide and fix the student fees without any consultation with the University or its governing bodies.
2. **Free-ship:** Section 4A (2) provides for ‘free-ship’ in tuition fees for at least five percent of the students from poor and economically backward classes.
3. **Domicile Quota:** Section 4A (3) mandates the University to compulsorily introduce a reservation quota of at least 30% for students domiciled in West Bengal.
4. **Redefining Merit:** Section 4B (2) defines merit for admission to be determined on either marks obtained in qualifying examination or entrance examination conducted by University or common entrance test at state or national level.

We are of firm belief that the above amendments to the WBNUJS Act reeks of state government interference in the University’s affairs; threatens the independence and national character of our prestigious institution; and destroys the primacy of merit and aptitude in the admission process.

While student demands before the EC for reducing fees and increasing grants and state government support have gone unaddressed, the amendment **grants the state unguided powers to fix the tuition fees**. At the moment, NUJS’ finances are completely dependent on fees charged from the students. Curtailing the institution’s revenues for populist reasons will impact its ability to retain existing employees and attract new faculty of the highest competence by offering competitive remuneration scales. The provision of ‘free-ship’ in tuition fees for a paltry five percent of students is rendered redundant as NUJS already provides a ‘merit-cum-means scholarship’ for a far greater number of students each year. This tokenistic measure purporting to legitimise the flawed amendment also brings no added benefit to the students.

Hence, we have strong apprehensions that this is nothing more than a clandestine **attempt by the state government to restrict the University's financial autonomy and consequently, increase state administrative control** – especially in the absence of any express guarantee in the amendment bill for future state governmental grants and compensatory funding.

Further, in line with the recent developments across National Law Universities (NLUs) in the country, the amendment envisages a **domicile quota of at least 30%** leaving scope for future

increments in the quota. However, NUJS was envisaged in its preamble as “a **national level institution** of excellence in higher learning of law” and was established with the aid of the Bar Council of India with the Hon’ble Chief Justice of India acting as its Chancellor. The founding values of NUJS including its national character and its role in the process of nation building and development is set to be strained by the state government’s pursuit of narrow regional goals. Secondly, an attempt to introduce one-third or more state-level reservation strikes a blow to the thousands of meritorious candidates across the country who aspire to be a part of a national-level institution like NUJS every year. Finally, and most importantly, it strikes at the heart of the rich diversity in student body which is an essential element of learning and personal growth at all national-level institutions.

Lastly, the amendment creates the possibility for NUJS to leave the CLAT setup, which was created in pursuance of a directive by the Hon’ble Supreme Court in 2006 in *Varun Bhagat v. Union of India*, wherein the court ordered that a common entrance for all the NLUs be conducted, following which the first CLAT was conducted after an MoU between the existing National Law Universities in 2008, and ever since. The possibility of replacing this system through a separate University-conducted entrance also creates avenues for undue favours in the admission process as is the prevalent practice in many local colleges. A founding member of the CLAT organizing committee, NUJS’ withdrawal from the common exam may prompt other NLUs to follow suit, which would undo the system in entirety.

Most importantly, the introduction of the amendment without any needful consultation or information with or to the stakeholders - including the faculty, administration and governing bodies, creates severe apprehensions about motivated attack on independent nature of the University. Furthermore, the bill also raises conjectures about a possible legislative over-riding of the [University's Executive Council's decision last year rejecting the government's proposal for creating two new campuses in Asansol and Siliguri](#).

Today, NUJS finds itself at crucial crossroads and it yearns for administrative stability and dynamic leadership. At a time when the University is trying to get back on track, the sweeping changes the amendment bill seeks to make would ensure that the University enters a state of permanent paralysis.

Being an apolitical student body, our recourses against such actions and happenings in our University have been highly limited. It is in these times of crisis that our circumstances have compelled us to write to you to seek your intervention as our Hon’ble Chancellor. While we understand that you must be already over-burdened with other important matter concerning the

legal system, any intervention by you will go a long way in protecting and nurturing the cause of excellence in legal education in India.

Yours sincerely,

On behalf of the entire student body



Arindum Nayak
President



Gatha G Namboothiri
Vice-President

Copy to:

1. Hon'ble Justice Mr. A.K. Sikri (Nominee of the Chancellor to the General Council)
2. Hon'ble Justice Mr. Arun Mishra (Nominee of the Chancellor to the Executive Council)
3. Secretary General, Supreme Court of India
4. Chairman, Bar Council of India